



ATTACHMENT B

REMARKS

By the present amendment, Claims 1 and 23 have been amended so as to further point out the patentable subject matter of the present invention and more clearly show that these claims are directed to subject matter that is not disclosed or suggested in the prior art, namely a monoclonal antibody that recognizes an epitope recognized by Applicants' monoclonal antibody 11H11 which has the successful and unexpected properties as disclosed in Applicants' specification. New claim 35 is also added which relates to this subject matter which is disclosed in the original specification, e.g., at page 44 and throughout the Examples, which show the preparation and successful use and cross-reactivity of monoclonal antibody 11H11. In short, for reasons as stated below, no reference wither singly or in combination discloses or suggests a monoclonal antibody having the beneficial and unexpected properties of the claimed monoclonal antibody of the present application, and the Examiner's rejections on the basis of the prior art should be withdrawn.

In the Official Action, the claims were rejected under Section 112 on the basis of lack of enablement, but the Examiner recognized that a monoclonal antibody having the properties of monoclonal 11H11, e.g., with regard to cross-reactivity and displacement ability was enabled by the specification. Without addressing the merits of this rejection, Applicants have overcome this rejection by directing the claims to a monoclonal antibody which recognizes the epitopes recognized by monoclonal antibody 11H11¹

¹ It is well established that the disclosure of a monoclonal antibody inherently discloses the epitopes recognized by that monoclonal antibody, and thus it is accepted that the language in this regard in the amended claims is proper and supported by the specification. See, e.g., U.S. Pat. No. 6,979,446, Claim 1.

which the Examiner has recognized is enabled by the specification. Accordingly, the Examiner's rejection under Section 112 has become moot and should be withdrawn.²

In the Official Action, the Examiner rejected the claims on the basis of Hook US Pat No. 6,288,214 and Hook PCT publication 97/43314 under 35 U.S.C. § 102(b). In particular, the Examiner argued that the Hook '214 patent disclosed antibodies to amino acids 30-531 of the collagen binding protein and thus inherently also would bind to the 151-318 region (which is not accurate), and also argued that the Hook PCT disclosed anti-collagen binding protein antibodies to the collagen binding domain which would include the region of amino acids 151-318. Applicant once again disagrees with this assessment, however, these rejections have become moot in light of the present amendments wherein a monoclonal antibody recognizing the epitopes of highly beneficial and unexpected monoclonal antibody 11H11 is now claimed, and as shown in Applicants' examples and the previous submissions in this application, this monoclonal has the unexpected and beneficial properties of cross-reactivity and the ability to displace collagen not previously possible in the prior art. As pointed out previously, the Hook references cited by the Examiner do not disclose the generation of any specific monoclonal antibody, much less one that has the properties of the monoclonal antibody of the present claims. Accordingly, the invention as presently claimed is clearly not disclosed or suggested in the cited prior art references, and the Examiner's rejections on the basis of these references are respectfully traversed and should be withdrawn.

² Applicants also contest the Examiner's objection that the deposit information regarding the claimed monoclonal be provided since this monoclonal is adequately described in the specification. However, Applicants are also in the process of depositing 11H11 and thus the deposit information will be available shortly should the Examiner maintain this aspect of the rejection.

In light of the amendments and arguments as set forth above, and the attachments hereto, Applicants respectfully submit the present application has been placed in condition for allowance, and such action is earnestly solicited.

END OF REMARKS